

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Con.Case(C).No. 1563 of 2006(S)

AGAINST THE ORDER IN WPC.30678/2006 Dated 21/11/2006
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PETITIONER:

ANTONY, S/O. KORITH,
AGED 52 YEARS, RESIDING AT MADATHIL PADINJATTATHIL
KUMBALAM P.O., KUNDARA, KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

VIJAYAN,
S/O. (AND AGE NOT KNOWN TO THE PETITIONER),
RESIDING AT KUNDARA, NOW WORKING AS
ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL SUB-
DIVISION, KUNDARA, KOLLAM DISTRICT.

BY SRI.K.S.ANIL, SC, KSEB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR, J.

CONTEMPT CASE(C) NO.1563/2006-S

JUDGMENT

The petitioner has approached this Court, alleging that the respondent has violated Annexure-A2 order. By the said order, this Court directed to maintain status quo as on that date for three weeks. The said order was passed on 21.11.2006. But, after the passing of the order, the petitioner submits, the respondent drew the electricity line and energized it on the very same day.

2. The respondent has filed a counter affidavit, stating that he became aware of the order only on the next day, when the order was handed over to him. The petitioner has filed a reply affidavit, stating that the respondent was orally informed immediately after the passing of the order by this Court.

3. I feel that the respondent cannot be blamed, if he did not act on any oral information given by the petitioner. The copy of the order was served only on the next day. Therefore, the respondent cannot be accused of any wilful disobedience of the direction of this Court. So, I feel that this is not a matter in which contempt proceedings can be initiated against the

respondent. Accordingly, the contempt case is closed without prejudice to the contentions of the petitioner. He may move for appropriate orders in the pending writ petition.

23rd February, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/